



UNITED STATES PATENT AND TRADEMARK OFFICE

127Y

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,121	03/14/2001	Kenji Kamimura	2001-0076A	6291

513 7590 10/21/2003

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

ROSE, ROBERT A

ART UNIT	PAPER NUMBER
----------	--------------

3723

//

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No.
09/787,121Applicant(s)
Kamimura et alExaminer
Robert RoseArt Unit
3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 7, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 20-32, 34-36, 38-41, and 44-50 is/are rejected.
- 7) ☒ Claim(s) 37, 42, and 43 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

Art Unit: 3723

DETAILED ACTION

1. Claims 1-19 have been canceled.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-21, 24-31, 34-36, 38-40, and 44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Berman. Berman discloses a polishing apparatus comprising all of the subject matter set forth in applicant's claims above. Note figures 1-4, a pair of dressing surfaces with different dressing elements are provided for dressing the polishing pad surface. The dressing elements may either be on a single arm with means to rotate each surface into a dressing position, or on separate arms. The conditioning or preconditioning steps are deemed to constitute dressing operations, since they prepare the polishing pad surface for subsequent polishing operations. The dressing elements are applied at different times.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman.

Claims 45-46 recite a method of intended use while applicant is claiming an apparatus. The

Art Unit: 3723

apparatus of Berman appears fully capable of performing a dressing operation based upon a deterioration in wafer quality due to pad degradation, such use if given any weight, is deemed an obvious matter of design choice to those of ordinary skill in the art.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berman in view of Japan No. 277157. Japan('157) discloses a dressing apparatus for conditioning the surface of a polishing pad comprising two alternatively useable dressing surfaces, one of which comprises a brush. To make one of the conditioners in Berman in the form of a brush to remove stray particles resulting from the first dressing operation would have been obvious in view of Japan('157).

7. Claims 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman in view of WO99/50024. To provide an atomizing nozzle to dislodge debris to allow the dressing elements to better remove debris from the pad would have been obvious in view of WO99/50024.

8. Claim 33 is allowed.

9. Claims 37, and 42-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Applicant's arguments filed August 7, 2003 have been fully considered but they are not persuasive. Applicant's new limitation of the dressing units being applied to the pad surface at different times, is deemed to be met by the art of record. The apparatus of Berman is deemed to

Art Unit: 3723

disclose plural dressing units, which are applied at different times to the surface of the polishing pad to condition it's surface. While applicant argues that the conditioning and preconditioning surfaces of Berman do not dress the pad but merely break in the pad, it is the examiner's view that such breaking-in is fairly readable as a dressing step, since the surface of the pad is altered in the process to a desired state. Japan('157), and WO99/50024 were applied for their teaching of utilizing a brush element to remove stray particles left by the initial dressing unit, and providing an atomizer, to dislodge debris from the pad surface, respectively.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

Application/Control Number: 09/787121

Page 5

Art Unit: 3723

rr

October 17, 2003.

ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323

A handwritten signature in black ink, appearing to read "Robert A. Rose", is written over the printed name and title.